

EXHIBIT B

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

----- X

ROBERT JOHNSON,

v.
Plaintiff,

Case No.: 6:23-cv-06441
(EAW/MJP)

TOWN OF GREECE,
WILLIAM D. REILICH,
MICHELLE MARINI,
KIRK MORRIS,
and
KEITH SUHR,

Defendants.

----- X

DEFENDANTS, TOWN OF GREECE, WILLIAM D. REILICH, MICHELLE MARINI, KIRK MORRIS, and KEITH SUHR'S RULE 26(a)(1) INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) governing Initial Disclosures, the Defendants, Town of Greece, William D. Reilich, Michelle Marini, Kirk Morris, and Keith Suhr (separately and collectively the "Defendants"), by and through their attorneys Lippes Mathias LLP, without waiving any objections as to admissibility of any potential evidence identified therein, hereby provide these Initial Disclosures.

The Initial Disclosures are based upon information presently available and are made without prejudice to the right to use, among other, subsequently discovered facts, witnesses or documents. Defendants specifically reserve the right to supplement their disclosures as permitted under Rule 26 of the Federal Rules of Civil Procedure. Defendants also note that a fully submitted motion to dismiss certain claims in the First Amended Complaint is pending before this Court. The Defendants have yet to file an Answer to the First Amended Complaint pursuant to the rules of procedure. The decision of this Court on the issues currently before it may affect the relevancy and materiality of the witnesses and discovery described herein.

1. The name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

RESPONSE:

- (1) William D. Reilich
Town of Greece
Town Hall
1 Vince Tofany Blvd.
Greece, NY 14612
Phone: (585) 225-2000

May be reached through Defendants' counsel and may testify regarding allegations set forth in the First Amended Complaint, RICO Case Statement, any Answer that may be filed on behalf of the Defendants in the future, including any of the Defendants' defenses, and/or Plaintiff's performance, employment, benefits, and operations concerning the Town of Greece municipal government.

- (2) Michelle Marini
Town of Greece
Town Hall
1 Vince Tofany Blvd.
Greece, NY 14612
Phone: (585) 225-2000

May be reached through Defendants' counsel and may testify regarding allegations set forth in the First Amended Complaint, RICO Case Statement, any Answer that may be filed on behalf of the Defendants in the future, including any of the Defendants' defenses, and/or Plaintiff's performance, employment, benefits, and operations concerning the Town of Greece municipal government.

- (3) Kirk Morris
Town of Greece
Town Hall
1 Vince Tofany Blvd.
Greece, NY 14612
Phone: (585) 225-2000

May be reached through Defendants' counsel and may testify regarding allegations set forth in the First Amended Complaint, RICO Case Statement, any Answer that may be filed on behalf of the Defendants in the future, including any of the Defendants' defenses, and/or Plaintiff's

performance, employment, benefits, and operations concerning the Town of Greece municipal government.

- (4) Keith Suhr
Town of Greece
Town Hall
1 Vince Tofany Blvd.
Greece, NY 14612
Phone: (585) 225-2000

May be reached through Defendants' counsel and may testify regarding allegations set forth in the First Amended Complaint, RICO Case Statement, any Answer that may be filed on behalf of the Defendants in the future, including any of the Defendants' defenses, and/or Plaintiff's performance, employment, benefits, and operations concerning the Town of Greece municipal government.

- (5) Annie Baxter
Town of Greece
Town Hall
1 Vince Tofany Blvd.
Greece, NY 14612
Phone: (585) 225-2000

May be reached through Defendants' counsel and may testify regarding allegations set forth in the First Amended Complaint, RICO Case Statement, any Answer that may be filed on behalf of the Defendants in the future, including any of the Defendants' defenses, and/or Plaintiff's performance, employment, benefits, and operations concerning the Town of Greece municipal government.

- (6) Lisa Santillo
Town of Greece
Town Hall
1 Vince Tofany Blvd.
Greece, NY 14612
Phone: (585) 225-2000

May be reached through Defendants' counsel and may testify regarding allegations set forth in the First Amended Complaint, RICO Case Statement, any Answer that may be filed on behalf of the Defendants in the future, including any of the Defendants' defenses, and/or Plaintiff's performance, employment, benefits, and operations concerning the Town of Greece municipal government.

- (7) William Murphy
Town Hall
1 Vince Tofany Blvd.
Greece, NY 14612
Phone: (585) 225-2000

Elected Town Board Member. Upon request from counsel to Mr. Murphy to secure what is believed to be relevant and material information in the form of Electronically Stored Information (ESI) on his personal cellular telephone, Mr. Murphy declined to allow the defendant Town to image his cellular telephone. Mr. Murphy then hired outside counsel to represent him in the situation concerning his cellular telephone. Soon thereafter, Mr. Murphy was served with a subpoena to produce his cellular telephone for imaging. Once that ESI is secured, Defendants will provide Plaintiff with the relevant and material information.

- (8) Michael Bloomer
Town of Greece
Town Hall
1 Vince Tofany Blvd.
Greece, NY 14612
Phone: (585) 225-2000

Elected Town Board Member. May be reached through Defendants' counsel and may testify regarding allegations set forth in the First Amended Complaint, RICO Case Statement, any Answer that may be filed on behalf of the Defendants in the future, including any of the Defendants' defenses, and/or Plaintiff's performance, employment, benefits, and operations concerning the Town of Greece municipal government.

- (9) Diana Christodaro
Town of Greece
Town Hall
1 Vince Tofany Blvd.
Greece, NY 14612
Phone: (585) 225-2000

Elected Town Board Member. May be reached through Defendants' counsel and may testify regarding allegations set forth in the First Amended Complaint, RICO Case Statement, any Answer that may be filed on behalf of the Defendants in the future, including any of the Defendants' defenses, and/or Plaintiff's performance, employment, benefits, and operations concerning the Town of Greece municipal government.

- (10) Katherine Firkins
Current address unknown.

May be reached through Defendants' counsel and may testify regarding allegations set forth in the First Amended Complaint, RICO Case Statement, any Answer that may be filed on behalf of the Defendants in the future, including any of the Defendants' defenses, and/or Plaintiff's

performance, employment, benefits, and operations concerning the Town of Greece municipal government.

- (11) Brian Kabeot
Address Unknown

The allegations set forth in the First Amended Complaint and the RICO Case Statement.

- (12) Tammy River
Address Unknown

The allegations set forth in the First Amended Complaint and the RICO Case Statement.

- (13) Linda Sofia
Address Unknown

The allegations set forth in the First Amended Complaint and the RICO Case Statement.

- (14) Sue Snyder
Address Unknown

The allegations set forth in the First Amended Complaint and RICO Case Statement.

- (15) Susan Charles
Address Unknown

The allegations set forth in the First Amended Complaint and the RICO Case Statement.

- (16) Kim Gross
Address Unknown

The allegations set forth in the First Amended Complaint and the RICO Case Statement.

- (17) Joseph Copetta
Address Unknown

The allegations set forth in the First Amended Complaint and the RICO Case Statement.

- (18) Charles Zona
Address Unknown

The allegations set forth in the First Amended Complaint and the RICO Case Statement.

- (19) Bryan Root
Address Unknown

The allegations set forth in the First Amended Complaint and the RICO Case Statement.

- (20) Robert Johnson – Plaintiff
Current address unknown

The allegations set forth in the First Amended Complaint and the RICO Case Statement.

- (21) Maureen Bass, Esq.
c/o Abrams Fensterman
2280 East Avenue, First Floor
Rochester, NY 14610

A Litigation Hold Notice was sent on February 12, 2024. The allegations set forth in the First Amended Complaint and the RICO Case Statement.

- (22) Ryan Murphy
Address Unknown

The allegations set forth in the First Amended Complaint and the RICO Case Statement.

The Defendants also incorporate into this disclosure those individuals set forth in the Plaintiff's Rule 26 Initial Disclosure dated February 7, 2024.

A motion to dismiss certain claims in the First Amended Complaint is pending, thus the Defendants have not filed and served an Answer. Upon doing, so and in particular to support affirmative defenses and counter claims, Defendants expect to supplement this Initial Disclosure.

The Defendants reserve the right to supplement this response as additional witnesses are made known to Defendants through their discovery and investigation.

2. A copy - or a description by category and location - of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

RESPONSE:

Defendants believe that the following documents may be used to support their defenses in this matter:

- (1) Personnel records of the Plaintiff including his written declination of health care benefits (see, Exhibit "A");

- (2) Records related to the Plaintiff filed with the Office of the State Comptroller, New York State and Local Retirement System (NYSLRS);
- (3) Communications of the Plaintiff, and between the Plaintiff and the Defendants;
- (4) Miscellaneous policies of the Defendant Town of Greece;
- (5) Electronically Stored Information (ESI) secured in cooperation with the Defendants' e-discovery vendor;
- (6) Any document obtained in discovery; and
- (7) Any document listed or otherwise used or identified by Plaintiff or any other party or witness.

In addition, Defendants may rely on any documents obtained in discovery and any documents otherwise used or identified by Plaintiff, Defendants, or any other party or witness.

Defendants reserve the right to supplement this response as additional documents are made known to Defendants through their investigation and discovery.

3. A computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

RESPONSE:

None at this time.

Defendants reserve the right to supplement this response through the pendency of this action.

4. For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

RESPONSE:

Defendants are a party to an insurance agreement, but it is not known at this time whether coverage will be provided under the policy for this lawsuit. Please see attached a copy of the applicable policy endorsement (**Exhibit "B"**).

Dated: Albany, New York
February 16, 2024

Respectfully submitted,

LIPPES MATHIAS LLP

Karl J. Sleight Jr.

Karl J. Sleight, Esq.
Attorneys for Defendants
54 State Street, Suite 1001
Albany, New York 12207
T: (518) 462-0110, ext. 1460
ksleight@lippes.com

Scott S. Allen Jr., Esq.
50 Fountain Plaza, Suite 1700
Buffalo, New York 14202
T: (716) 853-5100
sallen@lippes.com